

Town of Leeds

Agenda Town of Leeds Town Council Wednesday, July 22, 2015

PUBLIC NOTICE is hereby given that the Town of Leeds Town Council will hold a **PUBLIC MEETING** on Wednesday, July 22, 2015 at 7:00 P.M. The Town Council will meet in the Leeds Town Hall located at 218 N Main, Leeds, Utah.

NOTE: IF YOU WISH TO SPEAK DURING CITIZEN COMMENT, PLEASE SIGN IN WITH THE RECORDER.

Regular Meeting 7:00 p.m.

1. Call to Order/Roll Call
2. Pledge of Allegiance
3. Declaration of Abstentions or Conflicts*-
4. Consent Agenda:
 - a. Tonights Agenda
 - b. Meeting minutes of July 8, 2015.
5. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
6. Announcements:
7. Public Hearings:
8. Action Items:
9. Discussion Items:
 - a. Leeds Area Special Service District update, County Resolution #2015-1924
 - b. Wild West Days
 - c. Rap Tax receipts, \$659.32
 - d. ATV's
10. Citizen Comments: No action may be taken on a matter raised under this agenda item. (Three minutes per person).
11. Staff Reports

Closed Meeting- A Closed Meeting may be held for the discussion of the character, professional competence, or physical or mental health of an individual as allowed by Utah State Law 52-4-205(1)(a); or for the discussion of pending or imminent litigation; as allowed by the Utah State Law 52-4-205(1)(c); or for the discussion of the purchase, sale, exchange, or lease of real property, including any form or a water right or water shares; as allowed by Utah Code 52-4-205(1)(d).
12. Adjournment

The Town of Leeds will make reasonable accommodations for persons needing assistance to participate in this public meeting. Persons requesting assistance are asked to call the Leeds Town Hall at 879-2447 at least 24 hours prior to the meeting.
The Town of Leeds is an equal opportunity provider and employer.
Certificate of Posting:
The undersigned Deputy Clerk/Recorder does hereby certify that the above notice was posted July 21, 2015 at these public places being at Leeds Town Hall, Leeds Post Office, the Utah Public Meeting Notice website <http://pmn.utah.gov>, and the Town of Leeds website www.leedstown.org.



Kristi Barker, Deputy Clerk/Recorder

Town of Leeds

Town Council Meeting for July 8, 2015

1. Call to Order:

Mayor Peterson called to order the regular meeting of the Leeds Town Council at 7:00pm on July 8, 2015, at Leeds Town Hall, 218 N Main.

ROLL CALL:

	Present	Absent
MAYOR: WAYNE PETERSON	x	
COUNCILMEMBER: RON CUNDICK	x	
COUNCILMEMBER: ANGELA ROHR		x
COUNCILMEMBER: JOE ALLEN	x	
COUNCILMEMBER: NATE BLAKE		x

2. Pledge of Allegiance by Councilmember Allen.

3. Declaration of Abstentions or Conflicts: None.

4. Approval of Agenda:

Councilmember Allen moved to approve tonight's agenda and meeting minutes of June 24, 2015. 2nd by Councilmember Cundick. Motion passed in a Roll Call Vote.

ROLL CALL VOTE:

	Yea	Nay	Abstain	Absent
MAYOR: WAYNE PETERSON	x			
COUNCILMEMBER: RON CUNDICK	x			
COUNCILMEMBER: ANGELA ROHR				x
COUNCILMEMBER: JOE ALLEN	x			
COUNCILMEMBER: NATE BLAKE				x

5. Citizen Comments: None.

6. Announcements:

a. Wild West Days, September 11th & 12th, 2015

Mayor Peterson, Wild West Days are getting close, only 2 months away. The planning meetings are continuing to be held Thursday mornings at 10:00am at Town Hall. Volunteers are welcome.

Mayor Peterson, I would like to say thank you to Leeds Area Special Service District for the 4th of July breakfast and the contribution to the fireworks.

7. Public Hearings: None.

8. Action Items: None.

9. Discussion Items:

Councilmember Rohr arrived at 7:04pm.

a. Silver Pointe Estates final plat recording, Phase I

Mayor Peterson, the original final map was approved by Town Council on August 22, 2012. At this point it is approaching when it is going to be recorded. We have with us tonight Rick Sant, who is representing Silver Pointe Estates and Rick if you would please present to Council the status of what was approved back on August 22, the current status of the items that were highlighted and the map change that occurred.

Rick Sant had a map of Phase I and discussed the following with Town Council:

Rick Sant, I am one of the owners of the property and Silver Pointe Estates. This is our subdivision as it was approved for 22 lots. The majority of the lots are 1 acre and the ones over here are 2 acre lots. The subdivision was approved as you see it here except for one small change. We revised the road coming down from Phase II; we moved it about 50 feet. Originally the subdivision was approved for 45 lots and then we came back in 2012 and divided the subdivision into 2 parts. The subdivision here is Phase I with 22 lots and Phase II has 23 lots. When we came before the Planning Commission and then Town Council, we divided the subdivision into 2. It was approved, the 22 lots in the first Phase and then we took Phase II with 23 lots and presented it to the Planning Commission and Town Council for preliminary approval. That is the condition that Phase II is in right now. This has been approved and we have come to a point that we think the real-estate market is strong enough that we can go ahead with Phase I of 22 lots.

Mayor Peterson ok, there were 2 issues that the Town Council had raised three years ago. One of them involved the roadway down to Main Street that is a State right-of-way. The other involved a couple of portions of BLM land that went through the Cemetery and also some planned roads.

Rick Sant, that is right, this area right in here is a UDOT easement. They thought the freeway went through here and UDOT was anticipating that in the future this would be an intersection more than what it is and so they have come in and put a UDOT easement within this area. It was not showing on the original map but we show that now, the UDOT easement. The second item was a BLM sliver of land and in order to put our road in on Silverman Drive and Bonanza Flat, we had to get an easement. We have accomplished getting the easement and it is a recorded document that belongs to the Town. We have completed those 2 requirements.

Mayor Peterson ok, Gary if I could just ask, where there is that 50 foot shift of the road, is that something that the Town should have to have as an action item, to approve that modification to the final plat before it gets recorded.

Gary Kuhlmann the Town Attorney, yes you should as a formal action item.

Mayor Peterson ok, I have talked to you about this before; however, I would just like to make sure where the road is not dedicated to the Town, a Public Hearing would not be required for that particular adjustment.

Gary Kuhlmann, no because you are not vacating anything, it only becomes dedicated upon recording.

Mayor Peterson ok, so what we will need to do is put that on as an action item at our next meeting in order to approve the modification to the map.

Rick Sant ok, that will be on the 22nd?

Mayor Peterson, it will be two weeks from tonight, the 22nd of July.

Councilmember Rohr, so it is no longer a BLM parcel?

Rick Sant, it is still owned by the BLM.

Councilmember Rohr, so we are just leasing it.

Rick Sant, I had just mentioned to the Mayor that at one time we thought we could just get that little triangle deeded to the Town, but it was going to take too long to do that. So we just went ahead and did the easement. What happened is there were 2 mining claims on either side and one at the bottom. The 3 mining claims where they went together left a little triangle in there. For some reason the BLM picked it up. What would be the right thing to do and it will take a little time is for the Town to make an application to BLM and ask for the piece of ground to be deeded to the Town.

Mayor Peterson, I believe that where it is part of our active Cemetery that is something that we should look at doing with the BLM. I will look at pursuing that and start the process of getting that deeded to the Town or in some way make it available to the Town on a long term basis.

Rick Sant, the BLM wanted to know why the Town put the Cemetery on their property and I said the Cemetery was there 50 years before you owned the property.

Councilmember Cundick, just to clarify, we are not leasing that property; it still belongs to the BLM. We just have an easement for the road.

Mayor Peterson, we have an easement for the road and also have an easement currently on Silver Reef Road

Rick Sant, they also have a sliver of land right in there that we had to get an easement for to go on and tie that road into the new road.

Mayor Peterson, I would like to try to consolidate the requests to the BLM because I think with that piece of land we should also be trying to get a long term solution, as opposed to just leaving it as an easement. It would make it much easier when doing road work.

Councilmember Rohr, are both Cemeteries Town property.

Mayor Peterson, both Cemeteries are Town property with the exception of the BLM sliver of land. There is also a bit of a land adjustment that will be taking place with regards to this.

Rick Sant, everything in green on the map will be deeded to the Town on either side of the Protestant Cemetery. There is also a little sliver of land right there that will go back to the Town, so that whole area on the North side of Bonanza Flat Road will be dedicated to the Town.

Councilmember Cundick what is in the green area now Rick?

Rick Sant, just weeds, it is vacant land.

Councilmember Rohr, so the Cemeteries are already the Town's property?

Rick Sant yes, they are already owned by the Town of Leeds except for the BLM piece going across.

Councilmember Rohr, is it recorded as being the Towns?

Rick Sant, yes, if you go to the County Recorders, you will notice that sliver of ground is owned by the BLM; however, the rest of the Protestant and Catholic Cemeteries are owned by the Town.

Councilmember Cundick, since there are Planning Commission members here, do they have any comments that we need to be aware of?

Steve Lewis from Leeds Special Service District, I met with Rick Sant earlier this week and we got the fire hydrant placements with no problems. There are a couple of lots where the road gets a little bit steep, but he is going to adjust the CC&R's on both lots to accommodate emergency services. There are some existing homes out there that have not had adequate fire protection and I am hoping that in this process, we can get some hydrants out there through LDWA and Mr. Sant's connections to improve some protection.

Councilmember Rohr, Steve, will the Town be financially responsible for the Fire Hydrants? Steve Lewis, I wouldn't think the Town would have any liability there, the land owners would have to work that out.

Elliott Sheltman, just an issue as far as the water company. It might be good at this time where the Town is the water authority, to get together on this thing. There are some issues with the water. I think it would be a good idea anyway because there has not been much communication up to this point. Especially on something like a development, it would be helpful for both sides and get a lot better results.

Mayor Peterson, I believe there is a will-serve that the Town has designated to LDWA and that LDWA has provided a conditional will-serve. Is that accurate?

Elliott Sheltman, yes it is but there are issues with the water at this point that we have discovered in our investigations. The 105 acre feet that were originally brought over, 65 acre feet out of it is in question now. We sent out the letters today to the group that brought over the water originally, but that does not solve this development and I would think that would have an impact on your approval process.

Mayor Peterson, ok, Gary is it possible to record a plat with a condition that it is subject to resolve any outstanding issues? I know that construction drawings are normally signed off by the water company; however, that is usually the stage that we require water company approval on things.

Gary Kuhlmann, is the will-serve we have now conditional?

Mayor Peterson, yes, it is conditional on 3 things. The By-Laws of LDWA be complied with, the system is worked out from an Engineer standpoint and that the Town records a final plat on it.

Gary Kuhlmann, is the water company anticipating withdrawing the will-serve letter that we are talking about?

Elliott Sheltman, the problem is the will-serve letter is directly connected to the water agreement that was brought over originally. That agreement at this point is in question, as far as whether the water that was brought over was as represented.

Gary Kuhlmann, well, that's my question, is the water company looking to withdraw the will-serve letter, because if they are, that becomes an issue.

Elliott Sheltman, we are doing a 30 day period to clean it up, at that point it will be an issue. I was not aware that this was coming up this quick. I just found out about this today.

Gary Kuhlmann, what we are required to have is a will-serve letter and with a will-serve we are allowed to rely on that. That is why I am asking if it is going to go away.

Elliott Sheltman, I cannot guarantee at this point.

Rick Sant, what the problem is, that there is a question with the water that we purchased, which was 105 acre feet of water; there is a portion of that water that there may have been a dual ownership on it and the water company has put us on notice that there is a question about that. We hired a water Attorney and he is working on it right now. He has been working on it for a month and he is working with the LDWA's Attorney trying to resolve the matter and point out yes we own it because of this, this and this. We just got a letter today from the water company telling us that we have one month to prove to them that the water title is good. We bought it 5 years ago and there has not been any question until the last 6 months. Their Attorney has been trying to rectify it and I guess he has run into an impasse and now they are asking us to get our Attorney more involved to try to resolve it. The point being is, that the water that we deeded to them, if it never did belonged to us, why then can they turn it back to us and say I'm sorry we do not accept your water and that would null and void the temporary will-serve letter. That is the whole point and we are working on it now, hopefully by the time we meet in two weeks we will have the answer to that.

Mayor Peterson, I am trying to remember because the sequence was that there was originally a Phase I that was 45 lots that was split into 22 lots and 23 lots. When was the conditional will-serve issued? Was it on the 45 Lots or was it on the 22 lots?

Rick Sant, it was for the whole subdivision. It is on the whole 105 lots. It was for the entire subdivision, which will be 105 lots that was approved by Town Council back in 2008 and so the will-serve letter basically stated we will-serve you, you have given us 105 Acre feet of water; however, now that there is a question about if you actually own that water, why we would like you to get involved legally and try to prove to us that that was viable water that you deeded to us.

Mayor Peterson, will the will-serve potentially be modified given that this is 22 out of the 105 lots that with the water that is free and clear.

Rick Sant, well that is true, there is only 60.

Elliott Sheltman, there is still 40 left that we are still investigating that came across with the other water, so our Attorney is looking at that right now. The problem is we need to look at the developments whole 105 lots because it is an entire system we are bringing in, which means water storage and all of the capacity numbers that we have to have. The State requires a lot, I forget what it is called, but there is a plan that we have to do and that is when we started researching the water. It would have to be the entire 105 acre feet.

Mayor Peterson, with the Town Councils agreement, I am happy to sit down with Elliott Sheltman and discuss what issues they see and make sure we are coordinating between the Town as the designator of the water authority and LDWA as the designated water authority here; with regards to what issues might exist and what would be needed to get a final answer on them.

Councilmembers all agreed.

Gary Kuhlmann, we will need to notice that meeting and can I get the Attorneys names so I can talk with them.

Mayor Peterson, that meeting needs to be noticed if I am the only one in attendance?

Gary Kuhlmann, no not if you are the only one. Is there any objection to me contacting the Attorneys from LDWA or Mr. Sant?

Elliott Sheltman, no, you can do the initial contact, but if it goes very detailed, all we ask is that it is done at the office on teleconference so we can take minutes.

Elliott Sheltman and Rick Sant gave Gary Kuhlmann their Attorney's contact information.

Mayor Peterson and Rick Sant discussed the next Town Council Meeting agenda.

10. Citizen Comments: None

11. Staff Reports:

Councilmember Cundick, I am concerned a little bit with making the Peach Pit Pavilion a little friendlier. I mentioned last week looking at the possibility of putting in a mister system to cool it down. I asked Antonio to find out some information about this and what kind of cost would be involved. I just wanted to alert Town Council to know that that is an issue that I would like to look at in the future but right now I am just trying to get some information.

Councilmember Rohr, are we going to meet with Darren Cottam

Mayor Peterson, we have a 1pm meeting tomorrow, Angela and I with Darren Cottam to discuss a long range road plan.

Councilmember Rohr and is there a Wild West Day meeting tomorrow?

Mayor Peterson yes, at 10:00am and on every Thursday from here on out until the event.

12. Adjournment:

Councilmember Cundick moved to adjourn the meeting.

Time: 7:27pm.

APPROVED ON THIS _____ DAY OF _____, 2015

Mayor, Wayne Peterson

ATTEST:

Kristi Barker, Deputy Clerk/Recorder

Longpoint Consulting Services

July 11, 2015

Town of Leeds
218 North Main Street
Leeds, UT 84746

Re: Proposed schedule for road maintenance for 2015-17

Dear Mayor Peterson:

Thank you for taking the time to meet with me regarding putting into action the street analysis I have formulated for the Town of Leeds. Angie called and asked me to meet with her and we met and had a good conversation. I think that we are on the same page about the direction you would like to go.

As we discussed on Thursday, the Town of Leeds presently has about \$150,000 in B&C road funds. We also discussed the wise policy of keeping a safe amount of funds in this account for emergency situations. Below is a plan that I propose to you as mayor and the town council, a plan to implement the analysis and plan out maintenance for the next 3 years:

2015

Fund Balance as of July 1, 2015: \$150,000

<u>Proposed projects in 2015-16 Budget Year:</u>	<u>Amount</u>	<u>Time Frame</u>
1. Asphalt patching on both East and West Streets Schedules.	\$14,300.00	August 2015
2. Cleaning of both East and West Streets Schedules. (using a street sweeping broom and hiring Daren to operate)	3,200.00	August 2015
3. Fog sealing all of the East Streets Schedule.	\$29,061.66	August 2015
4. Pavement markings on Old Hwy. 91 (double yellow line)	\$ 1,300.00	August 2015
5. Canyon Creek Drive Drainage Project.	6,200.00	August 2015
6. Crack sealing both East and West Streets Schedules.	<u>\$25,740.00</u>	Dec. 2015- Jan. 2016
Sub Total:	\$79,801.66	
Longpoint Consulting Fee: 8% rather than 10%	<u>6,384.13</u>	
Total proposed maintenance for 2015-2016 Budget Year:	\$86,185.79	

Proposed projects in 2016-17 Budget Year:

B&C Road Fund balance after completing 2015-16 Budget Year	\$63,814.21
Revenue from B&C Road fund, July 1, 2015 to June 30, 2016	<u>\$54,000.00</u>
Total B&C Road Funds available for the 2016-17 Budget Year	\$117,814.21

<u>Proposed projects in 2016-17 Budget Year:</u>	<u>Amount</u>	<u>Time Frame</u>
1. Clean of East and West Streets Schedules.	\$ 2,200.00	July 2016
2. Fog sealing of West Streets Schedule.	\$45,227.28	July 2016
3. Pavement markings on Silver Reef Road (double yellow line)	<u>2,300.00</u>	July 2016
Sub Total:	\$49,727.28	
Longpoint Consulting Fee: 8% rather than 10%	<u>3,978.18</u>	
Total Proposed maintenance for 2016-2017	\$53,705.46	

B&C Road Fund Balance after completing 2016-17 Budget Year	\$ 64,108.54
Revenue from B&C Road fund, July 1, 2016 to June 30, 2017	<u>\$67,000.00</u>
Total B&C Road Funds available for the 2017-18 Budget Year.	\$131,108.54

Proposed projects in 2017-18 Budget Year:

If you complete the proposed maintenance in Budget Years 2015-16 and 2016-17 you will have completed all of the East and West Streets Schedules for the first 3 years and won't need to spend any funds on maintenance in 2017-18. You can choose to perform some of the items on the Construction Schedule I have included in my analysis, or you can choose to perform items on the 3-7 year schedule in my analysis. You could choose to Chip Seal Silver Reef Road (\$58,930.00) and/or Old Hwy. 91 (\$16,945.00) in 2017-18. There are minor items that come up from time to time that I am sure will take a bit of your funds that aren't planned for.

When I met with Angie Rohr on Friday she had a good idea and that was to chip seal the older portions of Silver Reef Road in 2016-17 along with fog sealing it. That added cost to the maintenance in 2016-17 would add \$19,560.00 to the proposed \$53,705.45 maintenance costs.

Please contact me with any questions. I would be available for your next council meeting to go over these proposals if you would like.

Thank you,

Daren K. Cottam